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Paper No. 7

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AUG 1 5 2006

OFFICE OF PETITIONS

In re Application of	:	
Luigi Reguzzi	:	
Application No. 09/977,884	:	ON PETITION
Filed: October 15, 2001	:	
Attorney Docket No. N/A	:	

This is a decision on the petition, filed January 30, 2006¹, which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment.

Office records show that a non-final Office action was mailed on October 3, 2003. Since no reply was received before the expiration of the three-month statutory period for reply, the application was held abandoned and a Notice to that effect was mailed on June 22, 2004.

Petitioner asserts that the non-final Office action mailed October 3, 2003 was never received.

A review of the application file reveals no irregularities in the mailing of the Office action mailed October 3, 2003. Thus, there is a strong presumption that the correspondence was properly mailed to the correspondence address of record. In the absence of irregularities in the mailing of the Office action, petitioner must submit evidence to overcome this presumption. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicate that the Office communication was not received. In addition, a copy of the docket record where the non-received communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

¹ Petitioner provided the Office with a copy of the stamped postcard receipt, which shows that the USPTO received the original petition on July 1, 2004; subsequently, it was misplaced within the Office.

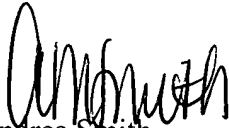
Since petitioner has supported his claim of non-receipt with such evidence, the petition is **GRANTED**.

In view thereof, the notice of abandonment mailed June 22, 2004 is hereby **VACATED**, and the holding of abandonment is hereby **WITHDRAWN**.

No fee is required for a petition under 37 CFR 1.181 and no petition fee has been charged to petitioner's deposit account.

Technology Center Art Unit 3722 has been advised of this decision. The application file is being forwarded to Technology Center Art Unit 3722 for re-mailing of the non-final Office action mailed October 3, 2003, and for restarting the period for reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions